

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL A. CASE)	
)	
Plaintiff,)	
vs.)	NO. CIV-09-0428-HE
)	
MICHAEL J. ASTRUE, Commissioner)	
of the Social Security Administration,)	
)	
Defendant.)	

ORDER

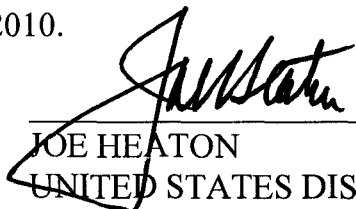
Plaintiff Michael A. Casey seeks judicial review of a final decision of the Commissioner of the Social Security Administration denying his application for supplemental security income and child's insurance benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Robert E. Bacharach. The magistrate judge concluded that the administrative law judge failed to satisfy her duty to assess every medical opinion and, where she rejects an opinion, give reasons for the rejection that are specific and legitimate. *See* 20 C.F.R. § 404.1527(d), 416.927(d) (2008); *see also Doyal v. Barnhart*, 331 F.3d 758, 764 (10th Cir. 2003). The magistrate judge recommends that the Commissioner's decision be reversed and the case remanded for further proceedings for reconsideration and discussion of: (1) Dr. Amal Chakraborty's opinions regarding moderate limitations on plaintiff's residual functional capacity and (2) evidence of plaintiff's obesity.

Having failed to object to the Report and Recommendation, the parties have waived their right to appellate review of the factual and legal issues it addressed. United States v.

One Parcel of Real Property, 73 F.3d 1057, 1059–60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1). Accordingly, the court adopts the Report and Recommendation [Doc. No. 25], **REVERSES** the final decision of the Commissioner, and **REMANDS** the case for further proceedings consistent with this order and the Report and Recommendation.

IT IS SO ORDERED.

Dated this 4 day of June, 2010.



JOE HEATON
UNITED STATES DISTRICT JUDGE